Sec.

- (c) Maximum rate of interest.
- (d) Maturity.
- (e) Soundness of loan; security.
- (f) Extension or renewal.

686. Aggregate limitations on amount of assistance to any single enterprise.

- (a) Percentage limitation of private capital.
- (b) Repealed.
- (c) Application of provisions to commitments incurred prior to effective date of section.
- 687. Operation and regulation of companies.
 - (a) Cooperation with banks and other financial institutions.
 - (b) Use of advisory services; depository or fiscal agents; investment of funds.
 - (c) Rules and regulations.
 - (d) Forfeiture of rights, privileges, and franchises; jurisdiction.
 - (e) Liability of United States.
 - (f) Performance of functions, powers, and duties by Administration and Administrator.
 - (g) Annual report on Small Business Investment activities.
 - (h) Certifications of eligibility.
 - (i) Interest rates.
- 687a. Revocation and suspension of licenses; cease and desist orders.
 - (a) Grounds for suspension or revocation.
 - (b) Grounds for cease and desist order.
 - (c) Order to show cause; contents; hearing; issuance and service.
 - (d) Subpena of person, and books, papers and documents; fees and mileage; enforcement.
 - (e) Petition to modify or set aside order; filing, time and place, Administration to submit record; action of court; review.
 - (f) Enforcement of order.
- 687b. Investigations and examinations; power to subpena and take oaths and affirmations; aid of courts; examiners; reports.
 - (a) Investigation of violations.
 - (b) Examinations and reports.
 - (c) Examinations of small business investment companies.
 - (d) Valuations.
- 687c. Injunctions and other orders.
 - (a) Grounds; jurisdiction of court.
 - (b) Equity jurisdiction of licensee and assets thereof.
 - (c) Trusteeship or receivership over licensee.
- 687d. Conflicts of interest.
- 687e. Removal and suspension of directors and officers of licensees.
 - (a) Written notice of intention to remove; grounds.
 - (b) Suspension pending completion of administrative proceedings.
 - (c) Hearing; order of removal.
 - (d) Stay by United States district court of suspension or prohibition.
 - (e) Suspension of directors and officers charged with felonies involving dishonesty or breach of trust; notice; duration of suspension; removal.
 - (f) Hearings; procedure; form and requisites of decision; review; stay of orders.
- 687f. Unlawful acts and omissions by officers, directors, employees, or agents.
 - (a) Violation by licensee deemed violation by persons participating.
 - (b) Breach of fiduciary duty.

Sec.

- (c) Disqualification of officers and employees for dishonesty, fraud, or breach of trust.
- 687g. Penalties and forfeitures.
 - (a) Report violations.
 - (b) Exemption from reporting requirements.
- 687h. Jurisdiction and service of process.
- 687i, 687j. Repealed.
- 687k. Guaranteed obligations not eligible for purchase by Federal Financing Bank.
- 6871. Issuance and guarantee of trust certificates.
 - (a) Issuance; debentures or participating securities composing trust or pool.
 - b) Terms and conditions of guarantee; payment of principal and interest.
 - payment of principal and interest.

 (c) Full faith and credit of United States.
 - (d) Collection of fees.
 - (e) Subrogation rights; ownership rights in debentures or participating securities.
 - (f) Central registration requirements; regulation of brokers and dealers.
- 687m. Periodic issuance of guarantees and trust certificates.
- 688. Repealed.
- SUBCHAPTER IV—STATE CHARTERED INVEST-MENT COMPANIES AND STATE DEVELOPMENT COMPANIES
- 691. Repealed.

SUBCHAPTER IV-A-GUARANTEES

- PART A. COMMERCIAL OR INDUSTRIAL LEASE AND QUALIFIED CONTRACT GUARANTEES
- 692. Authority of Administration to guarantee payment of rentals by small business concerns under leases of commercial and industrial property.
 - (a) Nonavailability of guarantees from other sources; participation with qualified sureties.
 - (b) Uniform annual fee; processing fees.
 - (c) Escrow; default; additional discretionary provisions.
- 693. Powers of Administration respecting loans; liquidation of obligations through creation of new leases, execution of subleases, and assignments of leases.
- 694. Repealed.
- 694-1. Planning design or installation of pollution control facilities.
 - (a) Definitions.
 - (b) Financing disadvantage; guarantee of payment by Administration; restrictions and limitations.
 - (c) Uniform annual fees; processing fees; time and condition for payment; periodic review.
 - (d) Requirements of Administration; escrow; default; discretionary provisions.
 - (e) Assignment of guarantee.
- (f) Application of section 693 of this title. 694–2. Revolving fund for qualified contract guaran
 - tees; investment of idle funds.

 PART B—SURETY BOND GUARANTEES
- 694a. Definitions.
- 694b. Surety bond guarantees.
 - (a) Authority of Administration to guarantee surety against loss from principal's breach of bond.
 - (b) Indemnification of surety against loss from avoiding breach.
 - (c) Limitation of liability.
 - (d) Regulations.
 - (e) Reimbursement of surety; conditions.

Sec.

- (f) Procedure for reimbursement.
- (g) Audit.
- (h) Administrative provisions.
- (i) Powers of Administration respecting loans

694c. Revolving fund for surety bond guarantees.

SUBCHAPTER V—LOANS TO STATE AND LOCAL DEVELOPMENT COMPANIES

695. State development companies.

- (a) Congressional finding and declaration of purpose.
- (b) Loans; obligations of development companies.
- (c) Maximum loans to development com-
- (d) Eligibility for assistance.

696. Loans for plant acquisition, construction, conversion and expansion.

697. Development company debentures.

- (a) Guarantees; Administration authority; regulatory terms and conditions; full faith and credit; subordination of debentures.
- (b) Statutory terms and conditions.
- (c) Commercial loan interest rate.
- (d) Charges for Administration expenses.
- "Qualified State or local development company" defined; exception for rural company; authority.
- (f) Effective date.
- (g) Calculation of subsidy rate.
- (h) Required actions upon default.

697a. Private debenture sales.

Pooling of debentures. 697b

- (a) Issuance; debentures composing trust or pool.
- (b) Terms and conditions of guarantee: payment of principal and interest.
- (c) Full faith and credit of United States.
- (d) Collection of fees.
- (e) Subrogation rights: ownership rights in debentures.
- (f) Central registration requirements; regulation of brokers and dealers; electronic registration.

697c. Restrictions on development company assistance.

697d Accredited Lenders Program.

- (a) Establishment.
- (b) Requirements.
- (c) Expedited processing of loan applications.
- (d) Suspension or revocation of designation.
- "Qualified State or local development company" defined.

Premier Certified Lenders Program. 697e.

- (a) Establishment.
- (b) Requirements.
- (c) Loss reserve.
- (d) Loan approval authority.
- (e) Review.
- (f) Suspension or revocation.
- (g) Effect of suspension or designation.
- (h) Regulations.
- (i) Report.

697f. Prepayment of development company debentures.

- (a) In general.
- (b) Requirements.
- (c) No prepayment fees or penalties.
- (d) Refinancing limitations.
- (e) Definitions.
- (f) Regulations.
- (g) Authorization.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 77c, 77ddd, 80a-2, 80a-18, 80a-60, 634, 637, 645, 1691c of this title; title 12 section 4702; title 26 sections 243, 246A, 542, 586, 1242,

SUBCHAPTER I—GENERAL PROVISIONS

§ 661. Congressional declaration of policy

It is declared to be the policy of the Congress and the purpose of this chapter to improve and stimulate the national economy in general and the small-business segment thereof in particular by establishing a program to stimulate and supplement the flow of private equity capital and long-term loan funds which small-business concerns need for the sound financing of their business operations and for their growth, expansion, and modernization, and which are not available in adequate supply: Provided, however, That this policy shall be carried out in such manner as to insure the maximum participation of private financing sources.

It is the intention of the Congress that the provisions of this chapter shall be so administered that any financial assistance provided hereunder shall not result in a substantial increase of unemployment in any area of the country. It is the intention of the Congress that in the award of financial assistance under this chapter, when practicable, priority be accorded to small business concerns which lease or purchase equipment and supplies which are produced in the United States and that small business concerns receiving such assistance be encouraged to continue to lease or purchase such equipment and supplies.

(Pub. L. 85-699, title I, §102, Aug. 21, 1958, 72 Stat. 689; Pub. L. 102-366, title IV, §416, Sept. 4, 1992, 106 Stat. 1019.)

References in Text

This chapter, referred to in text, was in the original "this Act", meaning Pub. L. 85-699, which enacted this chapter, amended sections 77c, 77ddd, 80a-18, 633 and 636 of this title, and sections 217 [now 212], 218 [now 213], 221 [now 216], 657, 1006 and 1014 of Title 18, Crimes and Criminal Procedure, repealed section 352a of Title 12, Banks and Banking, and enacted notes set out under this section and section 352a of Title 12. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

AMENDMENTS

1992-Pub. L. 102-366 inserted at end "It is the intention of the Congress that in the award of financial assistance under this chapter, when practicable, priority be accorded to small business concerns which lease or purchase equipment and supplies which are produced in the United States and that small business concerns receiving such assistance be encouraged to continue to lease or purchase such equipment and supplies.'

SHORT TITLE OF 1994 AMENDMENT

Pub. L. 103-403, title V, §501, Oct. 22, 1994, 108 Stat. 4198, provided that: "This title [enacting section 697f of this title and provisions set out as a note under section 697f of this title] may be cited as the 'Small Business Prepayment Penalty Relief Act of 1994'.

SHORT TITLE OF 1992 AMENDMENT

Section 401 of title IV of Pub. L. 102-366 provided that: "This Act [probably means "This title", amending this section and sections 662, 682, 683, 685 to 687. 687b, and 687l of this title, enacting provisions set out as notes under this section and sections 681 and 687b of this title, and amending provisions set out as a note